

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-15864-2022
Date of Decision: 17.05.2022

Manpreet Kalsi @ Mani

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Nitin Mittoo, Advocate,
for the petitioner.

Mr. R.S.Thind, DAG, Punjab.

Mr. Ankur Bansal, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

Present petition filed under Section 438 of Cr. P.C. for the grant of anticipatory bail to the petitioner in case bearing FIR No.293 dated 28.10.2021 under Section 323, 326, 148, 149 of IPC, registered at Police Station Phillaur, District Jalandhar Rural.

Learned counsel for the petitioner has submitted that in the present case the role attributed to the petitioner was only giving of *datar* blow on the left side of the chest of complainant-injured and the same is now so stated in the affidavit filed by the State. He submitted that in fact the main accused in the present case was one Preet Kamal Singh @ Preet qua whom the role attributed was that he had given a *datar* blow on the hand and wrist of the complainant which caused grievous injury and was arrested. He further submitted that the present petitioner is at parity with the other co-accused namely Ashok Kumar who has been granted interim protection by this Court in CRM-M-8894-2022 and therefore has prayed for the grant of

anticipatory bail.

On the other hand Mr. R.S.Thind, DAG, Punjab has submitted that an affidavit has been filed in the case by Deputy Superintendent of Police, Sub-Division Phillaur, which is taken on record. And while referring to the affidavit he submitted that it is the case where about 5 to 6 persons had caused grievous injuries to the complainant and as per the FIR one Preet Kamal Singh @ Preet had called the complainant at a particular place from where the three accused who have been named in the FIR i.e. Preet Kamal Singh @ Preet, Manpreet Kalsi @ Mani and Ashok Kumar and two unknown persons collectively attacked the complainant which caused him grievous injuries. He referred to para No.9 of the affidavit wherein the injuries have been described which is the incise wound of 10 cm x 2 cm over palmer aspect of left hand and ventral aspect of left wrist joint and injury No.2 was at chest but there was no swelling or bruise, but further referring to para 10 of the affidavit injury no.1 has been declared as “sharp and grievous injury” by the concerned doctor.

He further submitted that other co-accused namely Preet Kamal Singh @ Preet has been arrested and qua him challan has already been presented and during interrogation/investigation, the weapons used by him were also recovered by the police on the basis of his disclosure statement.

He further submitted that so far as the interim/anticipatory bail granted to the other co-accused namely Ashok Kumar is concerned the same was granted by this court on 30.03.2022 and till date he is absconding and he has not even joined the investigation.

The learned State counsel further submitted that there is every possibility that in case the petitioner is granted bail then he may abscond and

may even influence the witnesses. The present FIR was lodged on 28.10.2021 and for the last about 7 months the petitioner is at large and instead of joining investigation he is absconding. He further submitted that the petitioner has also given a reverse blow from *datar* on the chest of the complainant and recovery of the *datar* is yet to be made from the present petitioner as well.

He further submitted that considering the seriousness of the case where 5 to 6 persons collectively had beaten up the complainant, the custodial interrogation of the petitioner is required and has therefore prayed for the dismissal of the present petition.

I have heard the learned counsel for the parties.

It is a case where the FIR was registered on 28.10.2021 and as per the FIR it was lodged on the basis of disclosure statement of the complaint-Gurpreet Singh @ Guri that when he visited “Big Muscle Gym” Phillaur on 21.10.2021 at about 11.00 AM he received a call that they wanted to have a word with him and have therefore called him near the SBI by saying that the conversation was very urgent and when he went there, then 5 to 6 persons including the petitioner who were carrying iron *datars* in their hands came and attacked him.

As per the allegation contained in the FIR the present petitioner namely Manpreet Kalsi @ Manni made a counter attack with an iron *datar* which he was holding in his right hand and which hit below the left side of the chest of the complainant. The other co-accused namely Preet Kamal Singh @ Preet also attacked with a *datar* which hit on the wrist which caused injuries and blood started oozing out from his hand.

The argument raised by learned counsel for the petitioner that

the only allegation attributed to the petitioner was giving reverse side of *datar* blow on the chest which ultimately did not cause any injury and that he was not the main accused in the present case would not be sustainable in view of the fact that allegedly it was a case of a collective attack by 5 to 6 persons and the other co-accused namely Preet Kamal Singh @ Preet had given *datar* blow on the wrist which caused grievous injury as per the report of the doctor contained in the affidavit filed by the State.

So far as the other arguments raised by the learned counsel for the petitioner that the similarly situated co-accused namely Ashok Kumar has been granted interim bail by this court would also not be sustainable in view of the arguments raised by learned State counsel that the said co-accused was granted bail on 30.03.2022 and he has till date not joined investigation and is absconding.

The learned State counsel had expressed apprehension that the petitioner who has not joined investigation for the last 7 months is likely to abscond after the bail is granted and may even influence the witnesses cannot be ignored. As per the learned State counsel the custodial investigation of the petitioner is required for the purpose of not only for the recovery of the weapon i.e. *datar* allegedly used by him but also for ascertaining the *modus operandi* and the motive behind the attack.

During the course of arguments the learned counsel for the complainant has also appeared and has submitted that it is the case where grievous injuries have been caused on the hand and wrist of the complainant and number of stitches are there on the hand and wrist of the complainant.

In view of the aforesaid position this court is of the view that considering the aforesaid facts and circumstances wherein grievous injuries

have been caused on the hands and wrist of the complainant, the petitioner is not entitled for the grant of anticipatory bail. The mere fact that the role attributed by the petitioner was only giving *datar* blow on the chest which did not result in grievous injury but only pain and the main role was attributed to the other co-accused would be of no avail to the petitioner since allegedly 5 to 6 persons have collectively attacked one person which caused him injuries.

Therefore, considering the aforesaid facts and circumstances of the present case, this Court is not inclined to grant anticipatory bail to the petitioner. Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

17.05.2022

Sunil Devi

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |